

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

EchoStar Satellite Operating Corporation

Application for Authority to Operate the
EchoStar-8 Satellite at 76.75° W.L. as an
In-orbit Spare

File No. SAT-A/O-20150511-_____

APPLICATION FOR AUTHORIZATION TO OPERATE

EchoStar Satellite Operating Corporation (together with its affiliates, “EchoStar”) requests authorization to operate EchoStar-8 (Call Sign S2439), a satellite in the Direct Broadcast Satellite (“DBS”) service, as an in-orbit spare at 76.75° W.L., an offset of 0.15 degree from the satellite’s existing orbital location. EchoStar is seeking authorization to conduct TT&C operations only, and will seek additional authority prior to operating the satellite’s communications payload. Grant of this application will benefit U.S. consumers and the public interest by enhancing the reliability of EchoStar’s satellite fleet and ensuring continuity of satellite television services for the benefit of U.S. consumers.

I. BACKGROUND

On September 17, 2010, the FCC approved the transfer of control of EchoStar-8 from EchoStar to QuetzSat, S. de R.L. de C.V. (together with its affiliates, “QuetzSat”), along with the transfer of licensing authority over the satellites from the United States to Mexico.¹ Since then,

¹ See DISH Operating L.L.C., Application, File No. SAT-T/C-20090217-00026 (granted Sept. 17, 2010).

EchoStar-8 has been operating at 76.9° W.L. under Mexican authority. EchoStar I currently operates as an in-orbit spare and is not providing commercial service.²

The satellite's operation at 76.9° W.L. is subject to an exchange of letters between the FCC and the Mexican Administration,³ and is further governed by the Mexican license granted to QuetzSat, EchoStar's partner, to use the nominal 77° W.L. orbital location.⁴ The satellite's operation also was governed previously by an agreement among affiliates of EchoStar and QuetzSat, which provided for the satellite's relocation to and use at 76.9° W.L., subject to QuetzSat maintaining control of the satellite at all times during operation under its Mexican license.⁵ Since termination of that agreement in 2011, the parties have proceeded under an interim arrangement allowing QuetzSat to continue maintaining control of the satellite during its operation under the Mexican license. Upon (and subject to) FCC grant of the proposed re-licensing of EchoStar-8 as a U.S.-flagged satellite operating as an in-orbit spare at 76.75° W.L., QuetzSat will have no obligation or right to maintain control of the satellite, and EchoStar consequently will acquire control of the satellite, consistent with FCC licensing requirements.

I. ECHOSTAR'S LEGAL AND TECHNICAL QUALIFICATIONS

EchoStar is legally and technically qualified to operate EchoStar-8 as an in-orbit spare. EchoStar holds numerous FCC satellite licenses, and its legal qualifications are a matter of record before the Commission. EchoStar owns, leases, or operates a fleet of 24 satellites in the

² EchoStar-8 is equipped with 44 primary and 16 spare transponders for Ku-band DBS/BSS service, and is fully operational.

³ See DISH Operating L.L.C., Stamp Grant, File No. SAT-T/C-20090217-00027, Annex A (granted Sept. 17, 2010) (attaching exchange of letters, issued in July and August 2010, between FCC and Mexican Administration).

⁴ See *id.* (attaching letter from FCC noting that the Mexican Administration on February 2, 2005, granted a concession authorizing QuetzSat's satellite operations at the nominal 77° W.L. orbital location).

⁵ See Satellite Relocation and Use Agreement for the 77° W.L. Orbital Location, *filed in* File No. SAT-STA-20080616-00121, Attachment 3 (granted Oct. 31, 2003).

DBS/Broadcast Satellite Service, Mobile Satellite Service, and Fixed Satellite Service frequency bands to provide innovative and competitive services, including multi-channel video programming distribution (through DISH and other third-party providers) and state-of-the-art fixed and mobile broadband. EchoStar's satellite network provides satellite television service (through DISH) to more than 14 million U.S. consumers and approximately two million Mexican consumers. EchoStar is also a leading satellite technology and services company, and employs more than 2,000 engineers focused on creating hardware and service solutions for cable, telecommunications, IPTV, and satellite companies worldwide.

Further, the attached Schedule S and Technical Annex further demonstrate EchoStar's technical qualifications and provide additional information required under Section 25.114 of the Commission's rules, including EchoStar's plan for mitigating orbital debris.⁶ Although EchoStar at this time is seeking only authorization to perform the TT&C functions required to operate EchoStar-8 at 77° W.L., the attached Schedule S and Technical Annex also include information related to the satellite's communications functions so as to provide a complete record.

II. GRANT OF OPERATING AUTHORITY WILL SERVE THE PUBLIC INTEREST AND IS CONSISTENT WITH FCC PRECEDENT

Grant of this application will serve the public interest by allowing EchoStar to operate an additional satellite as an in-orbit spare, thus enhancing the reliability of EchoStar's satellite fleet and ensuring continuity of satellite television services for the benefit of U.S. consumers. It also will provide EchoStar with greater flexibility to manage its larger satellite fleet and deploy in-orbit spares to wherever they may be needed, thus ensuring the availability of additional capacity and the continued provision of satellite television programming to U.S. consumers, as efficiently

⁶ See 47 C.F.R. § 25.114.

as possible and without unnecessary service disruption.⁷ Further, grant of this request to re-flag EchoStar-8 as a U.S.-flagged in-orbit spare satellite is consistent with Commission precedent.⁸

III. CONCLUSION

Based upon the foregoing, EchoStar urges the Commission to grant this application to operate EchoStar-8 at 76.75° W.L. as an in-orbit spare in the public interest.

Respectfully submitted,

**ECHOSTAR SATELLITE OPERATING
CORPORATION**

By: /s/ Jennifer A. Manner
Jennifer A. Manner
Vice President, Regulatory Affairs

⁷ See *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 1962, ¶ 83 (2003) (“Repairing or even replacing a malfunctioning satellite, for all its complexity, requires less time than designing and constructing a new system. Even in the worst case where a satellite is destroyed, a licensee can ordinarily replace a lost satellite with a ground spare at the next available launch window, or procure a technically identical satellite in an expedient manner since it would have already completed the complex design process.”).

⁸ See DIRECTV Enterprises, LLC, Application for Authorization to Operate, File No. SAT-A/O-20120817-00137 (stamp-granted Dec. 21, 2012) (re-licensing DIRECTV 1R to operate as a U.S.-flagged in-orbit spare).

EXHIBIT 1

OWNERSHIP AND CORPORATE OFFICERS AND DIRECTORS (Response to Questions 40 & A20)

EchoStar Satellite Operating Corporation, a Colorado corporation, is a wholly owned subsidiary of EchoStar Satellite Services L.L.C., a Colorado limited liability company, which in turn is a wholly owned subsidiary of Hughes Satellite Systems Corporation (“Hughes”), a Colorado corporation. Hughes is a wholly owned subsidiary of EchoStar Corporation (“EchoStar”), a publicly-traded Nevada corporation.¹ The stockholders owning of record and/or voting 10 percent or more of the voting stock of EchoStar as of March 2, 2015, unless otherwise indicated below, include the following:

Ownership Interest	Citizenship	Approx. Equity Interest ²	Approx. Voting Interest
Charles W. Ergen Chairman EchoStar Corporation 100 Inverness Terrace East Englewood, CO 80112	USA	40.6%	62.6%
Ergen Three-Year 2014 SATS GRAT ³ William R. Gouger, as Trustee 400 Inverness Parkway, Suite 250 Englewood, CO 80112	USA	10.2%	19.2%
Putnam Investments LLC One Post Office Square Boston, MA 02102 ⁴	Canada	11.6%	2.2%

¹ The address for all companies listed is 100 Inverness Terrace E., Englewood, CO 80112.

² Outstanding equity interests include Class A Common Stock, entitled to one vote per share, Class B Common Stock, entitled to ten votes per share, and Hughes Retail Preferred Tracking Stock, entitled to one-tenth of one vote per share.

³ The trustee for certain trusts established by Mr. Ergen for the benefit of his family, including the Ergen Three-Year 2014 SATS GRAT, is Mr. William R. Gouger, a U.S. citizen and manager of SC Management, LLC, whose principal business is management services, including estate planning. In his capacity as trustee for all of the aforementioned trusts, subject to certain restrictions, Mr. Gouger, is deemed to beneficially own, and has the ability to exercise voting power over, shares representing 15.5% of the equity interests and 29.1% of the voting interests in EchoStar (assuming no conversion of Class B Common Stock).

⁴ Based on Schedule 13G/A filed with the Securities and Exchange Commission.

EchoStar Satellite Operating Corporation officers and directors as follows:

Directors:

Charles W. Ergen	Director
Michael T. Dugan	Director
Dean A. Manson	Director

Officers:

Michael T. Dugan	President and Chief Executive Officer
Charles W. Ergen	Chairman
David J. Rayner	Chief Financial Officer
Dean A. Manson	Executive Vice President, General Counsel and Secretary
Anders N. Johnson	President, EchoStar Satellite Services L.L.C.

EchoStar Corporation's officers and directors include the following:⁵

Executive Officers:

Michael T. Dugan	President and Chief Executive Officer
Charles W. Ergen	Chairman
David J. Rayner	Executive Vice President, Chief Financial Officer and Treasurer
Kenneth G. Carroll	Executive Vice President of Corporate and Business Development
Mark W. Jackson	President – EchoStar Technologies L.L.C.
Anders N. Johnson	President – EchoStar Satellite Services L.L.C.
Pradman P. Kaul	President, Hughes Communications, Inc.
Sandra L. Kerentoff	Executive Vice President, Global Human Resources
Dean A. Manson	Executive Vice President, General Counsel and Secretary
Kranti Kilaru	Executive VP of Business Systems IT & Operations

Board of Directors:

Charles W. Ergen	Chairman of the Board
Michael T. Dugan	President, Chief Executive Officer and Director
R. Stanton Dodge	Director
Anthony M. Federico	Director
Pradman P. Kaul	President, Hughes Communications, Inc. and Director
Tom A. Ortolf	Director
C. Michael Schroeder	Director

⁵ The address for all officers and directors of EchoStar Corporation is 100 Inverness Terrace E., Englewood, CO 80112.

EXHIBIT 2

OTHER LICENSES AND APPLICATIONS (Response to Question 36)

On July 26, 2011, the FCC declared null and void an authorization of EchoStar Corporation, the parent company of EchoStar Satellite Operating Corporation (together with their affiliates, “EchoStar”), to construct, launch, and operate a new Direct Broadcast Satellite at 86.5° W.L. for failure to meet the critical design review milestone, and rejected EchoStar’s request to modify its 86.5° W.L. authorization to allow the in-orbit EchoStar 8 satellite to provide service from that orbital location.¹⁴

The FCC also has denied a few of EchoStar’s applications for initial license or modification.¹⁵

The FCC has dismissed, but not denied on the merits, a few of EchoStar’s license applications without prejudice to refileing.¹⁶

¹⁴ See *EchoStar Corp.*, Memorandum Opinion and Order, 26 FCC Rcd 10442 (IB 2011).

¹⁵ See *Satellite Communications Services Information Re: Actions Taken*, Public Notice, Rpt. No. SES-00847 at 27 (IB rel. Aug. 16, 2006) (denying HNS License Sub, LLC’s, request for extension of construction milestones regarding File Nos. SES-MOD-20060404-00560 and SES-MOD-20060404-00561); *EchoStar Satellite LLC*, Memorandum Opinion and Order, 19 FCC Rcd 7846 (IB Sat. Div. 2004) (denying applications to launch and operate four geostationary satellites because of interference concerns); *EchoStar Satellite LLC*, Order, 20 FCC Rcd 12027 (IB Sat. Div. 2005); *EchoStar Satellite Corp.*, Memorandum Opinion and Order, 17 FCC Rcd 8831 (IB Sat. Div. 2002) (denying request to extend construction milestone dates); *EchoStar Satellite Corp.*, Memorandum Opinion and Order, 16 FCC Rcd 14300 (IB 2001).

¹⁶ See, e.g., Letter from Robert G. Nelson, Chief, Satellite Division, to Pantelis Michalopoulos, Counsel for EchoStar Corporation, 24 FCC7132 (IB Sat. Div. 2009); EchoStar Corporation, Application to Operate a C-Band Geostationary Satellite Orbit Satellite in the Fixed-Satellite Service at the 84.9° W.L. Orbital Location, *Memorandum Opinion and Order*, 25 FCC Rcd 10193 (IB 2010); Letter from Paul E. Blais, Chief, Systems Analysis Branch, Satellite Division, to Alison Minea, Corporate Counsel, EchoStar Broadcasting Corporation, 28 FCC Rcd 10214 (IB Sat. Div. 2013); Letter from Paul E. Blais, Chief, Systems Analysis Branch, Satellite Division, to Alison Minea, Corporate Counsel, EchoStar Broadcasting Corporation, 28 FCC Rcd 10216 (IB Sat. Div. 2013).